

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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In re PAYMENT CARD INTERCHANGE	:	MDL No. 1720(MKB)(JAM)
FEE AND MERCHANT DISCOUNT	:	
ANTITRUST LITIGATION	:	Civil No. 05-5075(MKB)(JAM)
	:	
	:	RULE 23(b)(3) CLASS COUNSEL'S
This Document Relates To:	:	MONTHLY REPORT REGARDING THIRD-
	:	PARTY ENTITIES
ALL ACTIONS.	:	
	:	
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I. INTRODUCTION

This is the thirteenth monthly report regarding third-party claims filers following the Court's request.

Rule 23(b)(3) Class Counsel ("Class Counsel") and Epiq continue to receive communications regarding third parties. This month, Epiq received fewer new communications than in prior months. Class Counsel has continued to receive multiple communications as well. Calls received via the toll-free number are tracked and reported to Class Counsel from Epiq. Class Counsel also directly receives calls and emails regarding third parties that are followed up on immediately. Additionally, Class Counsel regularly searches online using various keywords to monitor new entrants. Since the last report, the Court has issued several orders to show cause where certain third parties were alleged to have been spreading false and/or misleading information to class members.

II. STATUS OF ORDERS TO SHOW CAUSE

A. Update Regarding National Processing Alliance Inc.

Pursuant to the Court's direction at the August 13, 2024 status conference and its Order of August 23, 2024, Class Counsel provides an update regarding National Processing Alliance Inc. ("NPA"). On September 25, 2024, the Court *sua sponte* issued a Report and Recommendation regarding NPA. ECF 9431. This document was served on NPA and Mr. Fuhrman the same day. An agreed communication was finalized between NPA and Class Counsel. Further, NPA has now provided Class Counsel with the list of merchants that it signed up for claims-filing services. NPA has blind copied Class Counsel on 143 emails to merchants. This corresponds to the merchant list provided. At this time, there are no pending issues as to NPA.

B. Update Regarding Law Firm Betz & Baril, Certainty Management, and LenCred

As previously reported, Class Counsel has received multiple complaints regarding the law firm Betz & Baril. In late August, a class member contacted Epiq and left a message stating that they had signed up for claims filing services after being told false information. Class Counsel

contacted Betz & Baril and the firm agreed to cancel that contract, but the firm was told that should additional complaints be received, Class Counsel would likely seek an order to show cause. Just days later, an additional complaint led Epiq and Class Counsel to a website that contained content and videos that contained significant false and/or misleading information. Class Counsel alerted the Court to this issue on September 5, 2024. ECF 9407. In that letter, Class Counsel provided a history of issues with Betz & Baril and named partner Jason Baril. *Id.* Another letter was sent on September 12, 2024 alerting the Court to a third video. ECF 9416.

The Court previously ordered responses from Betz & Baril, LenCred, and Certainty Management to be provided by September 16, 2024. ECF 9408. Three separate requests for extensions were received from all three entities. ECFs 9426, 9427, 9428. The Court granted those requests, but also stated that no additional extensions would be granted as to Certainty Management and LenCred. Text-entry Order, dated September 18, 2024; Text-entry Scheduling Order, dated September 20, 2024. The Court set a Status Conference for October 17, 2024. Minute Entry, dated October 17, 2024.

Following the Court's status conference regarding the then-pending Orders to Show Cause on October 17, 2024, a joint stipulation and proposed order was submitted to the Court regarding Betz & Baril. ECF 9463. That joint stipulation and proposed order was signed by the Court on October 18, 2024. ECF 9465. As part of the stipulation, Betz & Baril has committed to sending more than 9,000 communications to class members that engaged the firm for claims-filing services, alerting them to their right to cancel the contract, with no questions asked. ECF 9463 at 2. The firm also stipulated to its understanding that should further violations be brought to Class Counsel's attention, Class Counsel will seek sanctions including terminating all of Betz & Baril's contracts with class members and seeking sanctions and alerting the Tennessee State Bar. *Id.*

At the Court's October 17, 2024 Status Conference, the Court directed Class Counsel, Certainty Management and LenCred to meet-and-confer regarding proposed next steps and report back to the Court by October 24, 2024. Minute Entry, dated October 17, 2024. The parties held a discussion, exchanged several emails, and filed a joint stipulation and proposed order on October

24, 2024. ECF 9470. The Court signed the joint stipulation and proposed order on October 26, 2024. ECF 9476.

C. Renaissance Business Advisory

Class Counsel was alerted by Epiq of a complaint from a class member on October 14, 2024 regarding a company providing false and/or misleading information. When Epiq began its investigation of the company complained of, “howlunerewards.com,” it was redirected to <https://www.renaissance-advisory.com/funding> (“Renaissance”). Further review of that site led to <https://www.renaissance-advisory.com/visa-mastercard-settlement>. That site contained significant false and/or misleading information. Class Counsel wrote to Renaissance on October 15, 2024 demanding that it remove the false and/or misleading information and requested that the company contact Class Counsel by October 18, 2024. Having received no response by that date, Class Counsel again wrote to Renaissance, this time using the website’s submission on October 18, 2024. Also on October 18, 2024, Class Counsel called the phone number listed on the website and received no answer. On October 21, 2024, Class Counsel received an email from someone named “Ido.” The email claimed to have “addressed and corrected” all the points raised in Class Counsel’s letter. This, however, was not correct. Class Counsel reviewed the Renaissance websites and while some corrections were made, it still contained significant false and/or misleading information, including claims that “all transaction records are required to file a claim” and false and/or misleading information regarding expected monetary return. Class Counsel wrote back to the email address and explained that issues still remained. Class Counsel also attempted to call the company on October 21, 2024, the number went to a voicemail of a travel-related company. On October 22, 2024, Class Counsel wrote the Court seeking an Order to show cause as to the company. ECF 9467.

On October 23, 2024, Class Counsel received an email from Renaissance and have set up a call to talk on October 25, 2024. Renaissance’s representative agreed to make further changes to its website and agreed to send a communication to all merchants it had signed up as a referral partner to another entity for claims-filing services alerting the class members that they may cancel

their contract at any time with no questions asked and Renaissance further agreed to blind copy Class Counsel on the communications. On October 26, 2024, the Court issued an Order to Show Cause. Class Counsel is in communication with Renaissance and will report further as ordered.

III. MISLEADING WEBSITE AND SOLICITATION

A class member alerted Class Counsel to a website and solicitation that had misleading information. That same day, October 3, 2024, Class Counsel wrote to the entity. Within hours, Class Counsel received a call from the company and all errors were corrected. The company also contacted Class Counsel to report that all referral partners had been provided with correct information. Class Counsel does not believe further action is required at this time.

IV. OUTREACH TO THIRD PARTIES BY EPIQ

As Class Counsel previously reported, since August 18, 2023, Epiq has been performing specific outreach efforts to known third-party claims filers.

As of October 11, 2024, Epiq has received client lists from 353 third-party claim filers claiming representation of 10 or more claimants. Those third parties claim total representation of 559,325 Tax Identification Numbers (“TINs”). This is an increase over last month of 13 Third-Party Filers (“TPFs”) and 8,874 TINs. This increase is plausible, in that Epiq received several new TPFs throughout the month, additional TPFs previously self-identified as “Other” during registration have been updated to “TPF” and known TPFs have continued to link new TINs. These client lists also include multiple rows for a single TIN, and multiple rows that lack TINs or have invalid TINs (alphabetic characters, too few or too many digits). Several third-party claims filers have combined their documentation into a single .pdf that covers multiple clients, so the true number is likely higher than the current document count can substantiate. Work continues, including the development of processes to efficiently handle the expected increase in third-party claims.

V. CONCLUSION

Class Counsel will continue to apprise the Court regarding issues with third-party claims filers via monthly reports and will bring urgent matters to the Court's attention via letter. The next monthly report will be filed on December 6, 2024 to account for the Thanksgiving holiday.

DATED: October 28, 2024

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